



CITY OF MORGAN HILL

**CITY COUNCIL
MORGAN HILL REDEVELOPMENT AGENCY**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Greg Sellers, Mayor Pro Tempore
Hedy L. Chang, Council Member
Steve Tate, Council Member
Larry Carr, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Larry Carr, Vice-Chair
Hedy L. Chang, Agency Member
Steve Tate, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, JUNE 6, 2001

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORT

Council Member Chang

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK. THE CITY CLERK WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council Action

CONSENT CALENDAR: The Consent Calendar, Agenda Items #1 through #9 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time

Estimate

Page

Consent Calendar: 1 - 10 Minutes

- 1) **APPROVAL OF PROFESSIONAL SERVICES CONTRACT FOR PRE-CONSTRUCTION MANAGEMENT SERVICES FOR THE COMMUNITY CENTER PROJECT** 1
Recommended Action(s): **Authorize** the City Manager to Execute a Consultant Services Agreement for Pre-Construction Management Services for the Community Center Project at a Cost Not to Exceed \$55,560 with Consolidated CM.
- 2) **RESOLUTION DECLARING BRUSH TO BE A NUISANCE** 7
Recommended Action: **Adopt** Resolution No. 5480, Declaring Brush to be a Nuisance and Setting June 20, 2001 as the Date for the Public Hearing Regarding Brush Abatement.
- 3) **ACCEPTANCE OF PUBLIC IMPROVEMENTS AT THE NORTHEAST CORNER OF TENNANT AND MONTEREY (RITE-AID)** 13
Recommended Action(s):
 1. **Adopt** Resolution No. 5481 Accepting the Public Improvements for Rite-Aid, and
 2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.

- 4) **FINAL MAP ACCEPTANCE FOR SAN VICENTE ESTATES (TRACT 9227)** 17
Recommended Action(s):
 1. **Approve** the Final Map, Subdivision Agreement and Improvement Plans,
 2. **Authorize** the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City and
 3. **Authorize** the Recordation of the Map and the Subdivision Improvement Agreement following Recordation of the Development Improvement Agreement.

- 5) **DEVELOPMENT IMPACT FEE INFLATIONARY AUTOMATIC INCREASE** 27
Recommended Action(s):
 1. **Adopt** Resolution No. 5482, Rescinding Resolution No. 5402 and Amending Resolution No. 4997 to Adjust the Traffic Impact Mitigation Fee Per the Current Engineering News Record Construction Cost Index, and
 2. **Adopt** Resolution No. 5482, Rescinding Resolution No. 5403 and amending Resolution No. 4930 by Increasing the Development Impact Fees Per the Current Engineering News Record Construction Cost Index.

- 6) **SUBDIVISION APPLICATION SD 01-02: E. DUNNE - TROVARE** 35
Recommended Action(s): **Take No Action**, Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.

- 7) **APPROVAL OF IMPROVEMENT AGREEMENT WITH SHADOW MOUNTAIN BAPTIST CHURCH - HALE AVENUE (APN 764-21-005)** 63
Recommended Action(s): **Approve** the Improvement Agreement and **Authorize** the City Manager to Sign the Agreement on Behalf of the City with Shadow Mountain Baptist Church (APN 764-21-005).

- 8) **LEAGUE OF CALIFORNIA CITIES GRASSROOTS NETWORK** 75
Recommended Action(s): **Authorize** the Mayor to vote in Support of the League of California Cities' Proposed Bylaw Change Establishing the Grassroots Network.

- 9) **FISCAL YEAR CONSULTANT AGREEMENT WITH CARL MILEFF & ASSOCIATES AND CERTIFIED INSPECTIONS & CODE CONSULTANTS FOR PLAN CHECKING SERVICES** 77
Recommended Action(s):
 1. **Approve** a New Fiscal Year Contract with Carl Mileff & Associates for the Amount of \$60,000;
 2. **Approve** a New Fiscal Year Contract with Certified Code Consultants for the Amount of \$40,000; and
 3. **Authorize** the City Manager to Execute the Contracts.

PUBLIC HEARINGS:

	Time Estimate		Page
10)	5 minutes	<u>DEVELOPMENT AGREEMENT APPLICATION, DA-01-01: E. DUNNE - TROVARE PHASE III</u> 89 <u>Recommended Action(s):</u> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1511, N.S.,	

Approving the Development Agreement;
Motion to Introduce the Ordinance by Title Only.

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| 11) | 18 minutes | <p><u>OUT OF AGENCY SERVICE REQUEST, OSR-01-05: MONTEREY - MORGAN HILL BIBLE CHURCH</u> 115</p> <p><u>Recommended Action(s):</u> Request staff presentation.</p> <p>Public Hearing opened.</p> <p>Please limit your remarks to 3 minutes. Public Hearing closed.</p> <p>Council discussion.</p> <p>Action - <u>Motion to Deny</u> Request for Water Service.</p> <p><i>Should the Council Wish to Approve Request, then:</i></p> <p>Action - <u>Motion to Adopt</u> Resolution No. 5485, Approving Forwarding the Request to LAFCO.</p> |
| 12) | 5 minutes | <p><u>DEVELOPMENT AGREEMENT APPROVAL AND EXCEPTION TO LOSS OF BUILDING ALLOCATION, DA-00-12: E. DUNNE - GREWEL</u> 125</p> <p><u>Recommended Action(s):</u> Request staff presentation.</p> <p>Public Hearing opened.</p> <p>Please limit your remarks to 3 minutes. Public Hearing closed.</p> <p>Council discussion.</p> <p>Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1512, N.S.</p> <p>Approving the Development Agreement;</p> <p><u>Motion to Introduce</u> the Ordinance by Title Only.</p> |
| 13) | 5 minutes | <p><u>DEVELOPMENT AGREEMENT AMENDMENT APPLICATION, DAA-00-03: HALE - SHEA HOMES</u> 151</p> <p><u>Recommended Action(s):</u> Request staff presentation.</p> <p>Public Hearing opened.</p> <p>Please limit your remarks to 3 minutes. Public Hearing closed.</p> <p>Council discussion.</p> <p>Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1513, N.S.,</p> <p>Approving the Development Agreement Amendment;</p> <p><u>Motion to Introduce</u> the Ordinance by Title Only.</p> |

OTHER BUSINESS:

- | | Time
Estimate | | Page |
|-----|------------------|--|------|
| 14) | 5 minutes | <p><u>EXCEPTION TO LOSS OF BUILDING ALLOCATION, ELBA-01-03: NINA LANE - SHAW</u> 159</p> <p><u>Recommended Action(s):</u> <u>Adopt</u> Resolution No. 5483, Granting Exception to Loss of Building Allocation.</p> | |

15)	5 minutes	<u>EXCEPTION TO LOSS OF BUILDING ALLOCATION, ELBA-01-04: MCLAUGHLIN - JONES</u> 167 <u>Recommended Action(s):</u> <u>Adopt</u> Resolution No. 5484, Granting Exception to Loss of Building Allocation.
16)	10 minutes	<u>PARKS AND RECREATION COMMISSION APPOINTMENTS</u> 177 <u>Recommended Action(s):</u> <u>Appoint</u> Three Community Members to the Parks and Recreation Commission for a Term Through May 1, 2003.
17)	20 minutes	<u>ARCHITECTURAL AND SITE REVIEW BOARD (ARB) AND PLANNING COMMISSION INTERVIEWS AND APPOINTMENTS (CONTINUED FROM 5/30/01)</u> 179 <u>Recommended Action(s):</u> 1. <u>Accept</u> Report from the City Council Interview Committee, 2. <u>Appoint</u> Three Members to the Planning Commission to Fill Four Year Terms, Expiring June 30, 2005; and 3. <u>Continue</u> the Appointment Process for the ARB until Such Time That the Council Can Fill/Complete the Make Up of the Board Established by Ordinance.
18)	5 minutes	<u>REQUEST TO ADOPT RESOLUTION SUPPORTING THE PASSAGE OF ASSEMBLY BILL 1075 AND ENDORSING THE CAMPAIGN TO “FIX CALIFORNIA NURSING HOMES NOW”</u> 227 <u>Recommended Action(s):</u> 1. <u>Take No Action;</u> <i>or</i> 2. <u>Refer</u> This Request to the City Council's Legislative Committee; <i>or</i> 3. <u>Adopt</u> Resolution No. 5479, Endorsing the Campaign to “Fix California Nursing Homes Now;” and <u>Direct</u> the City Clerk to Mail a Copy of Resolution No. 5479 to the South Bay AFL-CIO Labor Council.
<p><u>SECOND READING OF ORDINANCE:</u> Full Reading Waived By Majority Vote. (Government Code Section 36934) Action -- <u>Adopt</u> Ordinance by roll call vote.</p>		
19)	1 minute	<u>ADOPT ORDINANCE NO. 1507, NEW SERIES</u> 233 An Ordinance of the City Council of the City of Morgan Hill Repealing Chapter 12.04 (Sidewalk Use) of Title 12 (Streets, Sidewalks and Public Places) of the Municipal Code of the City of Morgan Hill Regarding Sidewalk Use and Adding Chapter 12.04 (Sidewalk Encroachment) of Title 12 (Streets, Sidewalks and Public Places)
20)	1 minute	<u>ADOPT ORDINANCE NO. 1508, NEW SERIES</u> 241 An Ordinance of the City Council of the City of Morgan Hill Repealing Chapter 9.10 (Loitering) of Title 9 (Public Peace, Morals and Welfare) of the Municipal Code of the City of Morgan Hill and Enacting Chapter 9.10 (Loitering) of Title 9 (Public Peace, Morals and Welfare) of the Municipal Code of the City of Morgan Hill Regarding Prohibitions Against Loitering
21)	1 minute	<u>ADOPT ORDINANCE NO. 1509, NEW SERIES</u> 247 An Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to Ordinance No. 1500, New Series, to Amend the Development Agreement to Incorporate a One Year Exception to Loss of Building Allocation for Application MP-98-35: E. Dunne - First Community Housing. (APN 817-11-060)

22)	1 minute	<u>ADOPT ORDINANCE NO. 1510, NEW SERIES</u>	253
		An Ordinance of the City Council of the City of Morgan Hill Amending Chapter 2.56 of the Morgan Hill Municipal Code to Allow Outside of City Residents Who Reside within the City's Sphere of Influence Area to Serve on the Architectural and Site Review Board	

Redevelopment Agency Action

OTHER BUSINESS:

23)	30 minutes	<u>REQUEST FOR ASSISTANCE FROM THE MORGAN HILL CHARTER SCHOOL</u>	257
		<u>Recommended Action(s): Consider</u> Request from the Charter School for Financial Assistance and either:	
		1. <u>Take</u> No Further Action <i>or</i>	
		2. <u>Direct</u> Staff to Negotiate and Prepare the Loan Agreements with the Charter School, per the Agency's Established Parameters, for Approval at a Future Meeting.	

City Council & Redevelopment Agency Action

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Consent Calendar: 1 - 10 Minutes

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24)	<u>APPROVE JOINT SPECIAL AND REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF MAY 23, 2001</u>	277
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OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION/CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority:	Government Code 54956.8 & 54956.9(c) (1 potential case)
Real Property(ies) involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)
City Negotiators:	Agency Members; Executive Director; Agency Counsel; and F. Gale Conner, Special Counsel
Property Negotiators:	San Jose Christian College
Closed Session Topic:	Potential Litigation/Real Estate Transaction Terms

2.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Section 54956.9(b) (Two Cases)

3.

CONFERENCE WITH LABOR NEGOTIATORS

Authority:	Government Code Section 54957.6
Agency Negotiators:	City Manager; Assistant to City Manager; City Attorney
Employee Organization:	AFSCME Local 101, and Unrepresented Non-Management Employees
Unrepresented Non-management Employees:	Administrative Analyst Legal Secretary Accounting Technician Custodian/Building Maintenance Worker Government Access Technician Human Resources Assistant Maintenance Worker Assistant Utility Worker Assistant

4.

CONFERENCE WITH LEGAL COUNSEL (POTENTIAL LITIGATION) & CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority:	Government Code 54956.8 & 54946.9(c)
Property:	APN 825-06-002, 003, 029, 030; 36.6 acres (Railroad/Maple - Butterfield Retention Basin Site)
Negotiating Parties:	
For City:	City Manager; Public Works Director
For Property Owners:	Costa Family Partners
Closed Session Topic/Under Negotiation:	Potential Litigation & Price and Terms of Payment

ADJOURN TO CLOSED SESSION:

RECONVENE:

CLOSED SESSION ANNOUNCEMENT:

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT